IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DIAMOND STATE INSURANCE COMPANY,
an Indiana corporation,

        Plaintiff,

   v.

MARIN MOUNTAIN BIKES, INC., a
California corporation; and ATB
SALES LIMITED, a private limited
company in the United Kingdom,

        Defendants.

_____/

No. C 11-5193 CW

ORDER GRANTING
DEFENDANT'S
REQUEST TO FILE
SUPPLEMENTARY
MATERIAL
(Docket No. 19)

On February 8, 2012, Defendant Marin Mountain Bikes, Inc. filed a request for leave to file supplementary material regarding its motion to dismiss, abstain or stay. In its request, Defendant represents that it reached a settlement with ATB Sales Limited in ATB Sales Limited v. Marin Mountain Bikes, Inc., Case No. 11-4755 YGR (N.D. Cal.). The Court notes that the ATB Sales case is still pending and that the parties have not filed a notice of settlement in its docket.

The Court GRANTS Defendant's request and ORDERS as follows:

Within three days of the date of this Order, Defendant may file a sur-reply of five pages or less, along with supplementary material. In the sur-reply, Defendant shall address the status of settlement in the ATB Sales action, and whether any settlement in the ATB Sales action has rendered its pending motion to dismiss, abstain or stay moot in part or in full. Defendant shall also include in its sur-reply whether the instant case is related to

the ATB Sales case pursuant to Local Rule 3-12, and whether the

two cases should be related if the ATB Sales case has not settled.

Within three days of the date on which Defendant files its

sur-reply, Plaintiff may file a response to the sur-reply,

addressing the same issues, contained in five pages or less.

IT IS SO ORDERED.

Dated: 4/13/2012

CLAUDIA WILKEN
United States District Judge

CC: Hon. Yvonne Gonzalez Rogers

United States District Court
For the Northern District of California

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